

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Juan Carlos Becerra,

Petitioner,

v.

Ryan Thornell, et al.,

Respondents.

No. CV-24-00239-TUC-JAS

ORDER

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Macdonald that recommends denying Petitioner Juan Becerra's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody and dismissing this case with prejudice. (Doc. 16; *see also* Doc. 1). A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. Therefore, the Court will not consider any objections or new evidence.

The Court has reviewed the record and concludes that Magistrate Judge Macdonald's recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

Before Petitioner can appeal this Court's judgment, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b)(1). Section 2253(c)(2) provides

1 that a certificate may issue “only if the applicant has made a substantial showing of the
2 denial of a constitutional right.” In the certificate, the court must indicate which specific
3 issues satisfy this showing. 28 U.S.C. §2253(c)(3). A substantial showing is made when
4 the resolution of an issue is debatable among reasonable jurists, if courts could resolve the
5 issues differently, or if the issue deserves further proceedings. *See Slack v. McDaniel*, 529
6 U.S. 473, 484-85 (2000). Upon review of the record considering the standards for granting
7 a certificate of appealability, the Court concludes that a certificate shall not issue as the
8 resolution of the petition is not debatable among reasonable jurists and does not deserve
9 further proceedings.

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11 Accordingly, **IT IS ORDERED:**

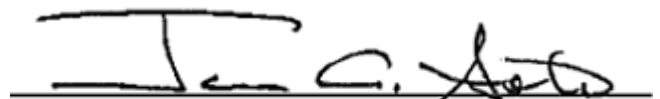
12 (1) Magistrate Judge Macdonald’s Report and Recommendation (Doc. 16) is
13 accepted and adopted.

14 (2) The Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1)
15 is denied and this case is dismissed with prejudice. The Parties are directed to Magistrate
16 Judge Macdonald’s Report and Recommendation for a more detailed explanation.

17 (3) A Certificate of Appealability is denied and shall not issue.

18 (4) The Clerk of the Court shall enter judgment and close the file in this case.
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20 Dated this 21st day of April, 2025.

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24 Honorable James A. Soto
25 United States District Judge
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